

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

FILED

JAN 14 2002

U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

IN RE: )  
 )  
 ) **ATTORNEY ADMISSION FEE**  
 ) **NON-APPROPRIATED FUND**  
BUSINESS OF THE COURT )

**ADMINISTRATIVE ORDER**

**WHEREAS**, Local Rule 12.03 authorizes the district court to establish and administer an Attorney Admission Fee Non-Appropriated Fund into which certain monies received by the court from attorney admission fees, *pro hac vice* fees, and renewal registration fees are deposited, and **WHEREAS**, the district court is required to have a written plan for the administration and operation of the fund, and a means for setting policy which shall govern the use of the fund,

**NOW THEREFORE, IT IS HEREBY ORDERED** as follows:

**I. Attorney Admission Fees, *Pro Hac Vice* Fees and Renewal Fees**

Every attorney admitted to practice with this court shall pay to the Clerk of the Court an initial registration fee. That portion of the fee which exceeds the amount set by the United States Judicial Conference shall be retained by the district court in a non-appropriated fund in accordance with other provisions of this Order to be used for the benefit of the bench and bar in the administration of justice. Fees for admission to practice before this court *pro hac vice* and fees for renewal of registration to practice before this court shall also be deposited in the non-appropriated fund.

## **II. Administration of the Fund**

### **A. Non-Appropriated Fund Committee**

The fund shall be administered by a non-appropriated fund committee. The committee shall consist of a district judge as chairperson and three other judges as approved by the court. The committee shall be responsible for overseeing the Clerk in his custodial responsibilities, reviewing and approving accountings rendered by the Clerk and making recommendations on proposed expenditures from the fund.

The chairperson (or, in the chairperson's absence, the most senior district judge on the committee) shall have the authority to approve individual disbursements not exceeding \$1,000.00. The committee, or majority thereof, shall have the authority to approve individual disbursements not exceeding \$5,000.00. All expenditures in excess of \$5,000.00 may be authorized only by a majority of a quorum of district judges. Any judge, staff member or member of the bar of this court may make recommendations for expenditures.

A district judge or a magistrate judge may order disbursement of funds not exceeding \$1,500.00 for out-of-pocket expenses of appointed attorneys consistent with section 28 U.S.C. § 1915, Local Rule 83-12.03, and the Regulations governing such disbursement. Any amount in excess of \$1,500.00 shall be referred to the chairperson, the whole committee or a quorum of district judges, as appropriate.

### **B. Fund Custodian**

The Clerk of the United States District Court for the Eastern District of Missouri shall serve as the custodian of the non-appropriated fund and shall receive, safeguard, deposit, disburse and account for monies in the fund. The custodian may delegate authority for the day-to-day operations of the fund to a person known as the "designee".

### **C. Deposits, Annual Report and Audit**

Monies paid into the fund shall be kept separate from other monies received by the court. The fund shall be deposited only in federally insured banks or savings and loan institutions, or invested in government securities or money-market accounts invested in government obligations. The custodian shall prepare an annual report to the court on the operation of the fund. The fund shall be audited by the Administrative Office of the United States Courts as part of their periodic review of the business of the court. The court non-appropriated fund committee may direct that an audit be performed by an outside auditor at any time. The cost of any such audits, if any, shall be paid out of the fund.

### **D. Surety Bond**

The custodian and designee may be required to furnish a surety bond, the premium of which shall be paid from the fund.

## **III. Authorized Expenditures**

### **A. Uses**

Monies deposited in the non-appropriated fund may be used for the benefit of the bench and bar in the administration of justice, including, but not limited to, the following:

- 1) Reasonable out-of-pocket expenses of attorneys appointed pursuant to 28 U.S.C. § 1915 to represent indigent parties in civil proceedings consistent with Local Rules 83-12.03, 83-12.06(D) and the Regulations governing such disbursements;
- 2) Expenses related to attorney disciplinary proceedings including expenses of investigating counsel for disciplinary enforcement, travel expenses and witness fees in disciplinary proceedings;
- 3) Expenses related to participation in attorney admission proceedings;

4) Expenses necessary to support the approved activities of the district court's Federal Practice Committee;

5) Expenses of programs, exhibits and materials that promote legal, judicial and court administration education or that encourage public awareness about the role of federal courts in the administration of justice, including the collection, restoration, preservation and/or display of court records or other artifacts of historical significance as well as judicial portraits, historical photographs, art works, oral histories, etc.;

6) Expenses for mandatory fees and dues necessary for judges to retain their licenses to be lawyers and/or judges;

7) Expenses for the purchase of judges' robes to be worn in court and other official proceedings;

8) Expenses for reimbursement to judges in connection with in-state Continuing Legal Education programs, meetings and/or seminars including mileage, meals, lodging, registration fees, receptions and/or dinners (two per year);

9) Expenses for reimbursement to law clerks in connection with a local Continuing Legal Education program, meeting and/or seminar, including registration fees, receptions and/or dinners (one per year);

10) Expenses for reimbursement to judges, designated by the Chief Judge to represent the court, for mileage, meals and lodging in connection with funerals, memorial services, swearing-in ceremonies and/or receptions associated with members of the bench and/or bar;

11) Expenses of floral and other memorials for deceased members of the court family;

12) Surety bonds for the custodian and designee of this fund;

13) Fees for audits of this fund, if any;

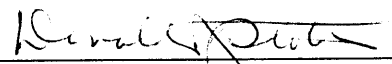
14) All other expenses expressly authorized by the unanimous agreement of the chairperson and judges charged with the administration of the fund.


**B. Limitations**


Monies deposited in the non-appropriated fund must not be used to pay for materials or supplies available from statutory appropriations. Under no circumstances are such monies to be used to supplement the salary of any court officer or employee.


SO ORDERED BY THE COURT *EN BANC* THIS 14<sup>th</sup> day of January, 2002.

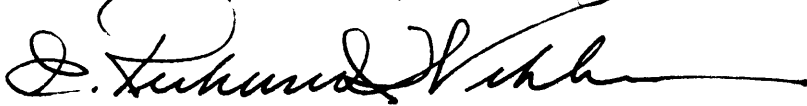
  
JEAN C. HAMILTON, CHIEF DISTRICT JUDGE

  
DONALD J. STOHR, DISTRICT JUDGE

  
CAROL E. JACKSON, DISTRICT JUDGE

  
CHARLES A. SHAW, DISTRICT JUDGE

  
CATHERINE D. PERRY, DISTRICT JUDGE

  
E. RICHARD WEBBER, DISTRICT JUDGE

  
RODNEY W. SIPPEL, DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

**REGULATIONS GOVERNING THE DISBURSEMENT  
OF FUNDS FROM THE NON-APPROPRIATED FUND  
FOR OUT-OF-POCKET EXPENSES INCURRED BY  
ATTORNEYS APPOINTED TO REPRESENT INDIGENT PARTIES IN  
CIVIL PROCEEDINGS PURSUANT TO 28 U.S.C. § 1915(e)**

FILED  
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U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

**A. Eligibility for Reimbursement of Expenses**

When an attorney has been appointed to represent an indigent party in a civil proceeding before this court pursuant to 28 U.S.C. §1915(e), that attorney may petition the court for reimbursement of expenses incurred in the preparation and presentation of the proceeding, subject to the restrictions of these regulations.

**B. Limitations**

1. *Not Applicable if Criminal Justice Act Funds are Available*

In any proceeding in which expenses are covered by the Criminal Justice Act, 18 U.S.C. § 3006A, they shall be paid from such funds in accordance with CJA guidelines and not from the non-appropriated fund .

2. *Limit on Total Expenses Covered by the Fund*

The judge to whom the case is assigned is authorized to approve reimbursements not to exceed one thousand five hundred dollars (\$1,500). If the total of the reimbursement requested and that already allowed exceeds \$1,500, the judge shall forward the request to the chairperson of the non-appropriated fund committee together with a recommendation. The chairperson shall present the recommendation to the non-appropriated fund committee for consideration. Reimbursement in excess of one thousand five hundred dollars (\$1,500) must be approved by a majority of the committee. Reimbursement in excess of five thousand dollars (\$5,000) must be approved by a majority of a quorum of district judges.

3. *Limited to Civil Actions Before the District Court*

Only those expenses associated with the preparation of a civil action in United States District Court for the Eastern District of Missouri shall be approved for reimbursement. No costs associated with the preparation or presentation of an appeal to the United States Court of Appeals or the United States Supreme Court shall be reimbursed from the non-appropriated fund .

4. *Overhead Costs, Costs of Computer Assisted Legal Research, and Costs of Printing Briefs Not Covered*

General office expenses, including personnel costs, rent, telephone services, secretarial help and any general expense that would normally be reflected in the fee charged to a client are not reimbursable from the non-appropriated fund . Any costs incurred in conducting computer assisted legal research is not reimbursable from the non-appropriated fund . The expense of printing briefs, regardless of the printing method utilized is not reimbursable from the non-appropriated fund .

5. *Not Available to Pay Costs Awarded Against Party*

Under no circumstances shall any payments be authorized from the non-appropriated fund to pay for costs or fees taxed as part of a judgment obtained by an adverse party against a party for whom counsel was appointed pursuant to the rules of this court.

**C. Procedures for Obtaining Reimbursement**

1. *Application for Reimbursement of Expenses*

Any application for the reimbursement of expenses shall be on the form approved by the non-appropriated fund committee and available on request from the Clerk of the Court. The request shall be accompanied by sufficient documentation to permit the court to determine that the request is appropriate and reasonable and that the amounts were actually paid out. The request shall be filed with the judge to whom the case is assigned. A request may be made at any time during the

pendency of the proceedings and up to sixty (60) days following the entry of judgment in the proceedings. The assigned judge may, for good cause shown, extend the time for filing a request.

2. *Application for Reimbursement for Attorney No Longer Representing Party*

When an attorney appointed is permitted to withdraw from representing the party in a proceeding and the attorney has incurred expenses which may be reimbursable under these regulations, said attorney shall file a request for reimbursement within sixty (60) days of the date of the entry of the order allowing the withdrawal. Except for good cause shown, the court will not allow reimbursement of expenses where the request is filed more than sixty (60) days after the entry of the order of withdrawal.

3. *Requests May be Made Ex Parte*

Any request made under these regulations may be made *ex parte*.

4. *Action by Assigned Judge and/or Non-Appropriated Fund Committee*

The assigned judge or the non-appropriated fund committee may refuse to permit reimbursement of any expense that lacks documentation that such expense is appropriate and reasonable or lacks evidence of payment actually made.

5. *Processing by the Clerk*

On receipt of the court order indicating amounts approved for reimbursement, the Clerk shall check to determine whether or not any payments have previously been made out of the non-appropriated fund to cover expenses in the same proceeding. If no such payments have been made, the Clerk shall promptly issue the required check or checks in the amount(s) indicated on the order. Where reimbursements have previously been made from the non-appropriated fund for expenses in the proceeding, the Clerk will check to see if the amounts authorized by the current application together with amounts previously paid would require additional approval by the non-appropriated



fund committee because the total exceeds the limit set by the regulations for amounts approvable by the assigned judge.

Where such approval is required, the Clerk shall promptly advise the assigned judge for possible reconsideration and/or possible transmittal to the non-appropriated fund committee.

6. *Amounts from the Fund to be Reimbursed from Any Fee Award*

Where a fee award is made to an appointed attorney, either by the court or pursuant to a settlement agreement, the attorney awarded fees shall upon receipt thereof, promptly repay the non-appropriated fund any amounts paid to said attorney under these regulations.

**D. Expenses Covered**

1. *Criminal Justice Act Limits to Apply in Absence of Specific Limits*

Except as specified by these regulations, the amounts and types of expenses covered by these regulations shall be governed by the guidelines for administering the Criminal Justice Act, 18 U.S.C. § 3006A.

2. *Deposition and Transcript Costs*

The costs of transcripts or depositions shall not exceed the regular copy rate established by the Judicial Conference of the United States and in effect at the time any transcript or deposition was filed unless some other rate was previously approved by order of court. Except as otherwise ordered by the court, only the cost of the original of any transcript or deposition together with the cost of one copy each where needed by counsel will be authorized.

3. *Travel Expenses*

Travel by privately owned automobile may be claimed at the rate currently prescribed for federal judiciary employees who use a private automobile for conduct of official business, plus parking fees, tolls and similar expenses. Travel other than by privately owned automobile may be

claimed on an actual expense basis and must be approved **prior** to the travel by the judge to whom the case is assigned.

Per diem in lieu of subsistence is not allowed; only actual expenses may be reimbursed. Actual expenses reasonably incurred shall be guided by the prevailing limitations placed upon travel and subsistence expenses of federal judiciary employees in accordance with existing government travel regulations.

4. *Service of Papers; Witness Fees*

Those fees for service of papers and the appearance of witnesses that are not otherwise avoided, waived or recoverable may be reimbursed from the non-appropriated fund .

5. *Interpreter Services*

Costs of interpreter services not otherwise avoided, waived or recoverable may be reimbursed from the non-appropriated fund.

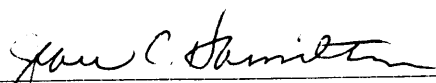
6. *Cost of Photocopies, Photographs, Telephone Toll Calls, Telegrams*

Actual out-of-pocket expenses incurred for items such as photocopying services, photographs, telephone tolls calls, and telegrams necessary for the preparation of a case may be reimbursed from the non-appropriated fund .

7. *Other Expenses*

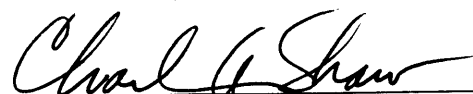
Expenses other than those described in sections 2-6 of this regulation may be approved by the assigned judge. When requesting reimbursement of any expense under this section, a detailed description of the expenses should be attached to the application for reimbursement filed with the judge.

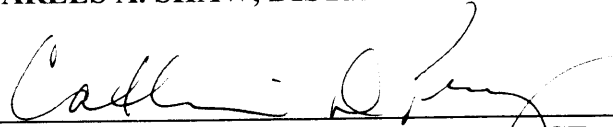
ADOPTED THIS 14<sup>th</sup> DAY OF January, 2002

  
JEAN C. HAMILTON, CHIEF DISTRICT JUDGE

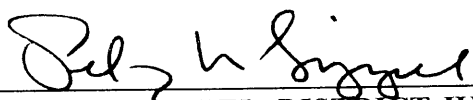
  
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RODNEY W. SIPPEL, DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No.
	)	
	)	
	)	
Defendant.	)	

**ORDER**

This matter is before the Court on the Application of \_\_\_\_\_  
\_\_\_\_\_ for a disbursement of funds from the Attorney Admission  
Fee Non-Appropriated Fund. The Court having considered the Application and the policies of the  
Non-Appropriated Fund Committee, hereby orders that the Clerk of the Court distribute to the  
above-named applicant the amount of \_\_\_\_\_  
(\$ \_\_\_\_\_) from the Attorney Admission Fee Non-Appropriated Fund. A copy of this Order  
and of the Application which it approves shall be placed in the Attorney Admission Fee Non-  
Appropriated Fund file maintained by the Clerk of the Court.

\_\_\_\_\_  
JUDGE

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2002